

## ARTICLE 149

### Blighted Property Review Committee

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### CROSS REFERENCE

See 35 P.S. §1712.1 - Act No. 1978 - 94

#### 149.01 ESTABLISHMENT, APPOINTMENT, TERM, VACANCY.

(a) There is established a Blighted Property Review Committee to consist of not more than seven (7) members, who shall serve without compensation. The Committee is to include at least one member of City Council, a representative of the Redevelopment Authority board, a representative to be designated by the Mayor and a representative of the Planning Commission. Three other members may be added upon the discretion of the Mayor.

(b) The terms of the members shall be staggered.

#### 149.02 DETERMINING BLIGHT.

The Blighted Property Review Committee shall have the power to determine that any property is "blighted" within the terms as defined in Section 149.05 and upon concurrence by the Planning Commission shall certify said properties to the Redevelopment Authority.

#### 149.03 ACQUIRING BLIGHTED PROPERTIES.

The Redevelopment Authority of the City of Bethlehem shall have the power to acquire by purchase, gift, bequest, eminent domain, or otherwise any "blighted" property as defined in Section 149.05 below, either within or outside of a certified redevelopment area, and further, shall have the power to hold, clear, manage and/or dispose of said property for residential or related reuse and commercial or industrial reuse.

## 149.04 RESTRICTIONS.

(a) The Blighted Property Review Committee and the Planning Commission, upon making a determination that any property is "blighted" within the terms of Section 149.05, must certify said blighted property to the Redevelopment Authority, except that:

- (1) No property shall be certified to the Redevelopment Authority unless it is vacant.
- (2) No property shall be certified to the Redevelopment Authority unless the owner of the property or an agent designated by him for receipt of service of notices within the municipality has been served with notice of the determination that the property is blighted, together with an appropriate order to eliminate the conditions causing the blight and notification that failure to do so may render the property subject to condemnation under this ordinance. The notice shall be served upon the owner or his agent in accordance with the provisions of this ordinance. The owner or his agent shall have the right of appeal from the determination in the same manner as an appeal from the determination of public nuisance.
- (3) No blighted property shall be certified to the Redevelopment Authority until the time period for appeal has expired and no appeal has been taken, or, if taken, the appeal has been disposed of, and the owner or his agent has failed to comply with the order of the responsible department or other officer or agency.

(b) Acquisition and disposition of blighted property under this ordinance shall not require preparation, adoption or approval of a redevelopment area plan or redevelopment proposal, but at least thirty days prior to acquisition of any property under this section, the Redevelopment Authority shall transmit identification of the property to the Planning Commission and shall request a recommendation as to the appropriate reuse of the property. The Redevelopment Authority shall not acquire the property where the Planning Commission certifies that disposition for residential or related use would not be in accord with the comprehensive plan of the municipality.

(c) Power of eminent domain shall be exercised pursuant to a resolution of the Redevelopment Authority and the procedure set forth in the act of June 22, 1964, 26 P.S. 1-101 et seq. known as the "Eminent Domain Code," as amended.

(d) Property disposed of within a redevelopment area shall be disposed of under a redevelopment contract in accordance with the provisions of 35 P.S. 1712.1.

Property disposed of outside an urban renewal project area shall be disposed of by deed in accordance with the provisions set forth in applicable law.

149.05 DEFINITIONS.

- (a) Abandoned Property. The term abandoned property shall be defined in accordance with 35 P.S. § 1712.1(c)(9), as amended.
- (b) Blighted Property. The term blighted property shall be defined in accordance with 35 P.S. § 1712.1(c), as amended.
- (c) Residential and Related Use. The term residential and related use shall be defined in accordance with 35 P.S. § 1712.1(d), as amended.
- (d) Vacant Property. The term vacant property shall be defined in accordance with 35 P.S. §1712.1(e)(1), as amended.

(Ord. 4203 - Passed 7/29/03.)

149.06 PROCEDURAL REQUIREMENTS.

(a) Notice.

- (1) All notices, except writs or pleadings, to be served upon a party shall be served by leaving a copy for or mailing a copy to him at the address of the party.
- (2) All pleadings and legal documents shall be served in accordance with Pennsylvania Rules of Civil Procedure governing service of process (Rule 400 through Rule 441).
- (3) The notice must apprise the owner or his agent of the determination that the property is blighted, together with an order to eliminate the conditions causing the blight and notification that failure to do so may render the property subject to condemnation under 35 P.S. 1712.1.

(b) Hearing.

- (1) The owner or his agent have the right to a full hearing before the Vacant Property Review Committee.
- (2) The owner or his agent have the opportunity to present all relevant evidence, to present witnesses, to cross-examine any witnesses, to be represented by counsel, and to receive a written opinion from the Blighted Property Review Committee as to their findings and basis of decision within forty-five (45) days of the hearing date.

(c) Appeals.

- (1) The owner or his agent shall have the right of appeal from the determination of the Vacant Property Review Committee to the Court of Common Pleas.
- (2) The owner or his agent will be given thirty (30) days from the date of receipt of the within opinion to file a written appeal with the Court of Common Pleas.
- (3) Once the Blighted Property Review Committee has exercised its powers of condemnation and has made payment, a proceeding filed by the owner or his agent to challenge just compensation or other damages shall be subject to the statute of limitations set forth at 35 P.S. § 1719.2, as amended. (Ord. 4203 - Passed 7/29/03.)

(Ord. 3418 - Passed 5/28/91.)